

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

RANDY WILLIAM SHARP, #06706	§	
VS	§	CIVIL ACTION NO. 2:23cv121-JRG-RSP
UPSHUR COUNTY MEDICAL, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Randy William Sharp, a prisoner now confined within the Texas Department of Criminal Justice (TDCJ), filed this civil rights lawsuit complaining of alleged violations of his constitutional rights while incarcerated at the Upshur County Jail. The case was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On July 30, 2024, Judge Payne issued a Report, (Docket No. 35), recommending that Defendants' motion for summary judgment, (Docket No. 31), be granted and that this lawsuit be dismissed with prejudice. A copy of this Report was mailed to Plaintiff at his last-known address. To date, however, Plaintiff neither filed objections nor otherwise communicated with the Court since February 2024.

Because objections to Judge Payne’s Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is


ORDERED that the Report of the United States Magistrate Judge, (Docket No. 35), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Defendants' motion for summary judgment, (Docket No. 31), is **GRANTED** and Plaintiff's lawsuit is **DISMISSED** with prejudice.

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered this

Sep 11, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE